

Remarks/Arguments:

The Declaration was found to be defective. In particular, the Action stated that "listing a claim as an error is insufficient." The complaint with the Declaration is not understood because the Declaration does not list any claims. Rather, the Declaration states that certain features were not recognized as being appropriate to claim at the time that the application was pending. Clarification of why the Declaration was found to be defective is respectfully requested.

The Disclosure was objected to because of an informality. The specification has been amended. Withdrawal of the objection is respectfully requested.

Claims 17 and 18 were objected to because of informalities. The amended claims are now shown correctly. Withdrawal of the objection is respectfully requested.

Claims 17 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Durden (U.S. 5,003,384) in view of Lett (U.S. 5,592,551). It is respectfully submitted, however, that these claims are patentable over the art of record for the reasons set forth below.

Applicant's Fig. 1 includes a server apparatus on the left side of the figure. The server apparatus includes information providing apparatus 2. Information providing apparatus 2 receives an information signal from the subscriber apparatus (shown on the right side of the figure). The information signal is capable of indicating that the output from the information providing apparatus is being directed to display terminal 10 without being recorded. The information signal is also capable of indicating that the output signal from information providing apparatus 2 is capable of being recorded in recording/reproducing apparatus 9. Subscriber mode recognizing apparatus 3 also receives the information signal from the subscriber apparatus and can identify from the information signal whether the output signal from information providing apparatus 2 is being provided to the display terminal without being recorded and is being provided to the recorder. Charging apparatus 4 charges a different amount in the case that the output signal is being provided to the display terminal without being recorded and the output signal is being provided to the recorder.

The outstanding Official Action rejects Applicant's claims by combining Durden with Lett. Durden allows a user to record a program (Pre-Buy) and to view a program (Buy). Durden does not disclose a charger which charges a different amount for the output signal to be provided to the display terminal and for the output signal to be provided to the recorder. Lett, Fig. 9

discloses a pay-per-view program ("Terminator") where the user is given the options of purchase, record or watch. It should be noted, however, that neither recording nor watching can occur until the purchase is completed. In particular, Lett discloses at Col. 14, lines 53-55:

Of course, if the event is a pay-per-view event, a purchase sequence must occur before the program can actually be recorded or watched. (Emphasis Added).

Thus, Applicant's representative wishes to note that while Lett will permit one program to be viewed with no charge and another program to be recorded with a charge, the program being viewed (without being recorded) and the program being recorded are different programs.

Applicant's invention, as recited by claim 17, includes a feature which are neither disclosed nor suggested by the art of record, namely:

... a charger which charges a different amount ... in the case that the output signal is provided to said display terminal without being recorded and ... in the case that the output signal is provided to said display terminal without being recorded and ... in the case that said output signal is provided to said recorder ...

In Lett, as previously explained, Lett charges different amounts for different programs. This is different than Applicant's claimed invention where the same output signal (and hence the same program) is associated with different charges depending upon whether or not the output signal is being recorded. Accordingly, claim 17 is patentable over the art of record.

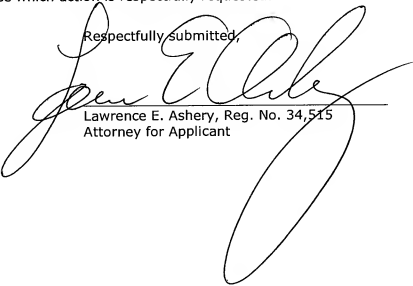
Claim 18, is patentable by virtue of its dependency on allowable claim 17.

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In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,



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Enclosure: Status of Claims

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Status of Claims and Support for Claim Changes

<u>Claims</u>	<u>Status</u>	
1.	Cancelled	
2.	Cancelled	
3.	Cancelled	
4.	Cancelled	
5.	Cancelled	
6.	Cancelled	
7.	Cancelled	
8.	Cancelled	
9.	Cancelled	
10.	Cancelled	
11.	Cancelled	
12.	Cancelled	
13.	Cancelled	
14.	Cancelled	
15.	Cancelled	
16.	Cancelled	
17.	Pending	(Column 3, line 62 - Column 4, line 3)
18.	Pending	(Column 3, line 65)